



AF (IP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3863**  
Yoshikazu FUKUI et al. : Attorney Docket No. 2006\_0755A  
Serial No. 10/581,322 : Group Art Unit 1626  
Filed July 18, 2006 : Examiner Sun Jae Y. Loewe

ISOXAZOLE DERIVATIVES AS  
PEROXISOME PROLIFERATOR-ACTIVATED  
RECEPTORS AGONISTS

**Mail Stop: Amendment**

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

Sir:

This is responsive to the Official Action dated September 4, 2008.

Reconsideration is respectfully requested in view of the following remarks and attached Rule 132 Declaration.

In item 3 on page 2 of the Action, claims 1, 2, 4-10, 12, 15 and 26 remain objected to for containing non-elected subject matter. The Examiner indicates that this ground of rejection will be overcome when the Applicant is entitled to rejoinder of the non-elected species upon allowability of the generic claims.

There is a single ground of rejection of the claims. Claims 1-2, 4-10 and 26 remain rejected under 35 USC 103 as unpatentable over Filzen et al. (WO 03/084916). This ground of rejection is again respectfully traversed.

The Examiner cited Filzen et al. (WO 03/084916) as prior art in the Office Action dated January 22, 2008. The difference between prior art and our Claims is "the substituent at the 4-position of the isoxazole" (R<sup>2</sup> in our Claims) as the Examiner